



TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/538,163
		Filing Date	June 2, 2006
		First Named Inventor	Danny A. Grant
		Art Unit	2182
		Examiner Name	unassigned
Total Number of Pages in This Submission	30	Attorney Docket Number	IMMR-0152B (034701-512)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to decision on request under 37 CFR 1.497(d); Copy of decision on request under 37 CFR 1.497(d); Declaration & power of attorney
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Thelen Reid & Priest LLP		
Signature			
Printed Name	David B. Ritchie		
Date	October 11, 2006	Reg. No.	31,562

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Monica Pizarro	Date	October 11, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Danny A. Grant et al.
SERIAL NO.: 10/538,163 CONFIRMATION NO.: 3281
FILING DATE: June 2, 2006
TITLE: Haptic Messaging In Handheld Communication Devices
EXAMINER: unassigned
ART UNIT: 2182

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: MAIL STOP PCT, Commissioner for Patents, P.O. Box 1450
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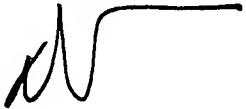
RESPONSE TO DECISION ON REQUEST UNDER 37 CFR 1.497(d)

Responsive to the Decision on Request Under 37 CFR 1.497 (d) dated **September 11, 2006**, please find the following:

1. Declaration & Power of Attorney executed by the inventor (s)
2. Copy of Decision on Request Under 37 CFR 1.497 (d)

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP



David B. Ritchie
Reg. No. 31,562

Dated: October 11, 2006

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SAN JOSE CA 95164-0640

In re Application of
GRANT et al.
Application No.: 10/538,163
PCT No.: PCT/US03/38900
Int. Filing Date: 08 December 2003
Priority Date: 08 December 2002
Atty Docket No.:IMMR-0152B(34701-000512)
For: HAPTIC MESSAGING IN HANDHELD
COMMUNICATION DEVICES

**THELEN REID & PRIEST
: IP DOCKETING**

DECISION ON REQUEST

UNDER 37 CFR 1.497(d)

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This is a decision on applicants' "Response to Notice to File Missing Parts", treated as a petition to correct inventorship under 37 CFR 1.497(d), and filed on 02 June 2006 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Erik J. Shahoian and Dean C. Chang as inventors in the above referenced application. The requisite \$130 petition fee was paid.

BACKGROUND

On 08 June 2005, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 30 March 2006, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 02 June 2006, applicant filed a response to the Notification of Missing Requirements along with an executed declaration. Although the published international application did not identify them as such, the declaration identified Erik J. Shahoian and Dean C. Chang as inventors. Applicant filed a petition for correction of inventorship to add them as inventors. In addition to the \$130 petition fee, Petitioner provided the statements of the inventors Shahoian and Chang in support of the correction of inventorship under 37 CFR 1.497(d).

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s).¹

¹³⁷ 37 CFR 1.497(d) states, in part: If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international

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Applicants provided statements, signed by Erik J. Shahoian and Dean C. Chang, stating that any error in inventorship in the international application occurred without deceptive intent. These statements satisfy item (1) of 37 CFR 1.497(d). The processing fee of \$130.00 has been paid, satisfying Item (2) above. With regard to Item (3), the written consent of the assignee, Immersion Corporation, consenting to the addition of Erik J. Shahoian and Dean C. Chang as inventors in this application was submitted. Item (3) above is satisfied. Accordingly, applicant has met all of the requirements to add Erik J. Shahoian and Dean C. Chang as co-inventors in the above-identified international application.

However, the declaration appears to be a compilation created from the combination of separately executed declarations. The declaration contains multiple Page 4s. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. The declaration is not properly executed. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Erik J. Shahoian and Dean C. Chang as inventors is hereby GRANTED.

As stated above, the declaration submitted on 02 June 2006 is unacceptable as filed. What is required is one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within ONE (1) MONTH from the mail date of this Decision or the time remaining under the 30 March 2006 Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136 but the period for response set forth in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

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Application No.: 10/538,163

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Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT
Legal Administration.



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